

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN EDWARD LEWTON,

Defendant.

CR 24-109-GF-SPW-TJC

**FINDINGS AND
RECOMMENDATION OF
U.S. MAGISTRATE JUDGE**

On December 23, 2024, the United States filed an Information, executed Plea Agreement and an Offer of Proof in this case. (Docs. 1, 3, 4.) On January 3, 2025, the United States filed a motion requesting the court schedule a hearing and issue a summons for Defendant to appear for arraignment and enter a plea of guilty in accordance with the plea agreement. (Doc. 6.) Judge Watters referred the United States' motion to the undersigned for purposes of scheduling and conducting the arraignment and change of plea hearing. (Doc. 7.)

Defendant, by consent, appeared before the Court on February 11, 2025, under Fed. R. Crim. P. 11 for the arraignment and change of plea hearing. Pursuant to the plea agreement, Defendant intended to enter a plea of guilty to the Information, which charges the crime of Lacey Act Trafficking, in violation of 16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(2), and 18 U.S.C. § 2(a).

When asked to describe to the Court the acts he committed that justify his plea of guilty, Defendant failed to acknowledge all of the required elements of the offense. Based on the information presented at the hearing, the Court was unable to find a sufficient factual basis for Defendant's plea to the Information, and therefore did not accept his guilty plea.

For reasons stated on the record of the hearing, **IT IS RECOMMENDED** that Defendant's request enter a plea to guilty to the charge in the Information be **DENIED without prejudice**.

NOTICE OF RIGHT TO OBJECT

Objections to these Findings and Recommendation are waived unless filed and served within fourteen (14) days after the filing of these Findings and Recommendation. 28 U.S.C. § 636(b)(1)(B); Fed. R. Crim. P 59(b)(2).

DATED this 11th day of February, 2025.



TIMOTHY J. CAVAN
United States Magistrate Judge